



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,260	08/20/2003	John Patrick Romeo	1033-SS00413	7476

34456 7590 09/07/2005

TOLER & LARSON & ABEL L.L.P.
5000 PLAZA ON THE LAKE STE 265
AUSTIN, TX 78746

EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT PAPER NUMBER

2645

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,260	ROMEO, JOHN PATRICK	
	Examiner	Art Unit	
	Hemant Patel	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: References are made to Network Management Engine 18, which is missing in Figure 1.
2. Paragraph 0020 is unclear as to which engine receives network information and which engine receives user input from the administrator and converting the user input into a request for network information. The office has interpreted it as "and further capable of receiving network information in engine 28" and engine 18 "may be capable of receiving a user input from the administrator and converting the user input into a request for network information".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Saleh (US Patent No. 6,654,458 B1).

Regarding claim 20, Saleh discloses a computer-readable medium (Fig. 1, item 30) having computer-readable data (col. 3, ll. 3-4, set of programming instructions) to

Art Unit: 2645

receive a spoken directive from a party to a call, to convert the spoken directive into a request for information from a monitored network device, to receive a response from a software agent associated with the monitored network device, to convert the response into a spoken response, and to initiate playing of the spoken response to the party (col. 6, ll. 32-47).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber (US Patent Application Publication No. 2002/0025806 A1), and further in view of Beckett (US Patent No. 6,510,220 B1).

Regarding claim 1, Gerber teaches of a network monitoring system comprising:

a network management engine (Fig. 2, item NECONTR, paragraph 0031) operable to issue a request to a monitored network device agent (Fig. 2, item NE1, NE2) and to receive network information from the monitored network device agent (paragraph 0031);

a multi-modal administration engine (Fig. 2, item NMS) operable to allow a party to a call to interact with the network management engine;

a caller response unit (Fig. 2, item AU) associated with the multi-modal administration engine, the caller response unit operable to receive a user input from the party and to convert the user input into a directive for the network management engine (paragraph 0047, allowing dialog based on XML and WAP to read and/or modify data);

a format converter (Fig. 2, item AU) associated with the multi-modal administration engine; the format converter operable to translate at least a portion of a first signal representing network information (paragraph 0047, subscriber-specific mapping of data) into a second signal.

Gerber does not teach of format conversion to audible sound.

However, in the same field of endeavor, Beckett teaches of a system using voice hardware (Fig. 1, item 50, col. 17. ll. 30-34) with monitor server to allow telephone connection.

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber to include the use of voice hardware with monitor server as taught by Beckett in order to enable the system to be monitored visually as well as audibly.

Regarding claim 2, Gerber teaches of the system further comprising:

an authentication engine (Fig. 2, item AU) communicatively coupled to the caller response unit and operable to consider an initial set of credentials (paragraph 0042, Subscriber identification code) received from the party; and

an authorization engine (Fig. 2, item AU) operable to grant access (paragraph 0044) to the multi-modal administration engine in response to authorization of the initial set of credentials.

Regarding claim 3, Gerber teaches of the system further comprising a telephone interface operable to receive the call (paragraph 0026, user using mobile radio terminal for access).

Regarding claim 4, Gerber teaches of using voice over internet protocol (VoIP) for communication network (paragraph 0018).

Regarding claim 5, Gerber does not teach of the system, wherein the network management engine relies on a request/response protocol to monitor a network.

However, in the same field of endeavor, Beckett teaches of a system using a request (col. 4, ll. 62-63, data polls to agents) and response (col. 4, ll. 66-67, agents returning selected screen information data) protocol to monitor network.

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber to include the use of request and response protocol as taught by Beckett in order to monitor the network elements.

Regarding claim 6, Gerber discloses the system, wherein the multi-modal administration engine (Fig. 2, item NMS) is operable to allow the party to direct the network management engine (Fig. 2, item NECONTR) to issue a second request (paragraph 0031, NECONTR modifying NE2 data in SMDB to control NE2) to a second monitored network device agent (NE2).

Regarding claim 7, Gerber discloses the system further comprising:

an authentication engine (Fig. 2, item AU) communicatively coupled to the caller response unit and operable to consider an initial set of credentials (paragraph 0043, Subscriber identification code) received from the party;

an authorization engine (Fig. 2, item AU) operable to grant access (paragraph 0044) to the multi-modal administration engine in response to authorization of the initial set of credentials; and

a telephone interface operable to receive the call (paragraph 0026, user using mobile radio terminal for access).

Regarding claim 8, Gerber teaches of a system using SNMP protocol (paragraph 0020).

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber and Beckett as applied to claim 1 above, and further in view of Metcalf (US Patent Application Publication No. 2002/0122541 A1).

Regarding claim 9, Gerber and Beckett do not teach of a system operable to determine an access device type used by the party to interact with the network management engine, wherein the format converter is further operable to translate at least a second portion of the first signal representing network information into a third signal receivable by the access device type.

However, in the same field of endeavor, Metcalf teaches of a system determining the type of telephony interface (access device type) used with each call (paragraph 0035) and also making the content (information) available to the user of the system in a different manner (paragraph 0059).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber and Beckett to include the use of determining access type and providing information in a different manner as taught by Metcalf in order to provide a more suitable experience to the user (Metcalf 0059).

Regarding claim 10, Gerber and Beckett do not teach of a system comprising a modality engine operable to route the second signal to a first access device and to route additional network information to a second access device.

However, in the same field of endeavor, Metcalf teaches of a system to route signals to different devices of the same user (paragraph 0079, information to telephone as well as network-connected terminal).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber and Beckett to include the use of presenting information to various devices used by the user as taught by Metcalf in order to provide information to the user in audio as well as visual format.

8. Claims 11-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber, and further in view of Saleh (US Patent No. 6,654,458 B1).

Regarding claim 11, Gerber teaches of the network monitoring method comprising:

communicatively coupling a voice call to a network management engine (paragraphs 0026, 0027);

Gerber does not teach of receiving a spoken directive from a party to the call and converting the spoken directive into a request for information from a monitored network device.

However, in the same field of endeavor, Saleh teaches of a system receiving a spoken directive from a party to the call (col. 5, ll. 13-21); and converting the spoken directive into a request for information from a monitored network device (col. 5, ll. 13-21).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber to include voice response functionality as taught by Haskal in order to receive a spoken directive and converting it into a request for information from a monitored network device to provide enhanced access to the network management by the user.

Regarding claim 12, Gerber discloses the method, further comprising:
receiving a request for network control from the party (paragraphs 0026, 0027);
prompting the party to input a first set of credentials (paragraph 0042, subscriber identification code); and
authenticating the first set of credentials (paragraphs 0042, 0043).

Regarding claim 13, Gerber teaches of a system using SNMP protocol (paragraph 0020).

Regarding claim 14, Gerber discloses the method, further comprising:
receiving a response from a software agent associated with the monitored network device (paragraph 0031, receive status data from the network elements);

Gerber does not teach of converting the response into a spoken response and playing the spoken response to the party.

However, in the same field of endeavor, Saleh teaches of a system converting the response into a spoken response (col. 5, ll. 45-46) and playing the spoken response to the party (col. 5, ll. 51-52).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber to include converting response to spoken response and playing as taught by Saleh in order to provide convenient audible response "for the benefit of the supervisor" (Saleh, col. 5, ll. 52).

Regarding claim 16, Gerber teaches of a method, further comprising:

receiving a keyed in directive from the party, the keyed in directive comprising dual tone multi-frequency signals (paragraph 0026).

Regarding claim 17, Gerber teaches of a method of using TCP/IP protocol for an interface to mobile radio terminals (paragraphs 0038, 0039).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber and Saleh as applied to claim 11 above, and further in view of McDuff (US Patent No. 6,490,350 B2).

Regarding claim 18, Gerber and Saleh do not teach of a method comprising initiating communication to the party of information representing a graphical user interface that displays a visual representation of a network monitored by the network management engine.

However, in the same field of endeavor, McDuff teaches of a method initiating communication to the party of information representing a graphical user interface that displays a visual representation of a call center monitored by the monitoring server (Fig. 13, col. 2, ll. 47-49, col. 11, ll. 40-64).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber and Saleh to include the use of graphical representation of information as taught by McDuff in order to provide visual status of the network being monitored.

10. Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber and Saleh as applied to claim 11 above, and further in view of Metcalf (US Patent Application Publication No. 2002/0122541 A1).

Regarding claim 15, Gerber and Saleh do not teach of a method operable to determine an access device type used by the party to interact with the network management engine, wherein the format converter is further operable to translate at least a second portion of the first signal representing network information into a third signal receivable by the access device type.

However, in the same field of endeavor, Metcalf teaches of a system determining the type of telephony interface (access device type) used with each call (paragraph 0035) and also making the content (information) available to the user of the system in a different manner (paragraph 0059).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber and Saleh to include the use of determining access type

Art Unit: 2645

and providing information in a different manner as taught by Metcalf in order to provide a more suitable experience to the user (Metcalf 0059).

Regarding claim 19, Gerber and Saleh do not teach of a method, further comprising:

decoupling the voice call from the network management engine, and receiving an additional directive originating from an input device coupled to computing platform comprising the network management engine.

However, in the same field of endeavor, Metcalf teaches of a system to establish telephone web-session and multithreaded system in which each participant channel (telephone as well as network-connected terminal) control a web session (paragraphs 0083-0085).

It would have been obvious to a person of ordinary skill in the art to modify the system as taught by Gerber and Saleh to include the use of multithreaded server to handle multiple sessions for various devices used by the user as taught by Metcalf in order to respond to the input from any of the user device attached to the network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On

Art Unit: 2645

July 15, 2005, the FAX Number will change to **571-273-8300**. Faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

After September 15, 2005, the old number will no longer be in service.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER *for*
Pam Tsang.

Hemant Patel
Examiner
Art Unit 2645

HSP